

VANDENBERG & FELIU, LLP
Attorneys for Plaintiff
110 East 42nd Street, Suite 1502
New York, New York 10017
(212) 763-6800

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GERD THIELEBEULE,

ECF CASE

Plaintiff,

Case No. 04 CV
8460(RJH)(THK)

-against-

GERMANISCHER LLOYD (U.S.A.), INC. and
GERMANISCHER LLOYD, AG,

Defendants.

NOTICE OF MOTION

-----X

PLEASE TAKE NOTICE that the undersigned attorneys for the Executor of the Estate of the Plaintiff, hereby move for an order pursuant to Fed. R. Civ. P. 25 substituting BERND CLASEN as Executor of the Estate of Gerd Theilebeule, as the Plaintiff herein, in place and in stead of the the late GERD THIELEBEULE, directing the Clerk of the Court to amend the caption accordingly, and for such other and further relief as to the Court seems proper.

Dated: New York, New York
August 2, 2007

VANDENBERG & FELIU, LLP

By: /S/Raymond L. Vandenberg

Raymond L. Vandenberg (RV-3661)

Attorneys for Executor of the Estate of Plaintiff

Gerd Thielebeule

110 East 42 Street, Suite 1502

New York, NY 10017

(212) 763-6800

(212) 763-6810 (facsimile)

Email: rvandenberg@vanfeliu.com

To: Edwin F. Lambert, Jr., Esq.

Barry McTiernan & Moore

2 Rector Street, 14th Floor

New York, NY 10006

(212) 608-8999

VANDENBERG & FELIU, LLP
Attorneys for Plaintiff
110 East 42nd Street, Suite 1502
New York, New York 10017
(212) 763-6800

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GERD THIELEBEULE,

ECF CASE

Plaintiff,

Case No. 04 CV
8460(RJH)(THK)

-against-

GERMANISCHER LLOYD (U.S.A.), INC. and
GERMANISCHER LLOYD, AG,

Defendants.

DECLARATION

-----X

RAYMOND L. VANDENBERG declares under penalty of perjury:

1. I am a member of Vandenberg & Feliu, LLP, attorneys for plaintiff, and a member of the bar of this Court, and respectfully submit the within declaration in support of a motion by the Executor of Plaintiff's Estate, Mr. Bernd Clasen, to be substituted for the plaintiff.

2. We are advised by counsel for defendants that defendants do not oppose the within motion.

3. Plaintiff passed away on May 20, 2007.

4. Upon information and belief, on June 14, 2007, Mr. Bernd Clasen was appointed his Executor.

5. Upon information and belief, a true copy of the Execution of the Amtsgericht (County Court) of Tostedt, dated June 14, 2007, Reference number 7 VI 223/2007, pursuant to which Mr. Clasen accepted his appointment as Executor of the plaintiff's estate, is annexed hereto as exhibit A.

6. Mr. Clasen has requested that Vandenberg & Feliu, represent him in this matter.

7. A proposed order is submitted contemporaneously herewith.

WHEREFORE it is respectfully requested that the within motion be granted.

Dated: New York, New York

August 2 , 2007

/s/Raymond L. Vandenberg
RAYMOND L. VANDENBERG (RV-3661)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GERD THIELEBEULE,

Plaintiff,

-against-

GERMANISCHER LLOYD (U.S.A.), INC. and
GERMANISCHER LLOYD, AG,

Defendants.
-----X

ECF CASE

Case No. 04 CV
8460(RJH)(THK)

PROPOSED ORDER

RICHARD J. HOLWELL, District Judge:

Upon the declaration of Raymond Vandenberg and exhibit thereto, and there being no opposition to the within motion, it is ordered that (1) the motion of Bernd Clasen as Executor of the Estate of Gerd Thielebeule, deceased, to be substituted as a party plaintiff herein in place and instead of the late plaintiff Gerd Thielebeule, pursuant to Fed. R. Civ. P. 25, is granted, and (2) the Clerk of the Court is directed to amend the caption to read:

BERND CLASEN as Executor of the
Estate of GERD THIELEBEULE,

Plaintiff,

-against-

GERMANISCHER LLOYD (U.S.A.), INC. and
GERMANISCHER LLOYD, AG,

Defendants.

Richard J. Holwell
United States District Judge

New York, New York
August , 2007